Chenega Integrated Systems, LLC, and Chenega Security Protective Services, LLC and International Union, Security, Police and Fire Professionals of America (SPFPA), Petitioner. Case 5–RC–16299

July 29, 2009

## DECISION AND CERTIFICATION OF REPRESENTATIVE

BY CHAIRMAN LIEBMAN AND MEMBER SCHAUMBER

The National Labor Relations Board<sup>1</sup> has considered objections to a mail ballot election held between April 24 and May 22, 2009, and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The tally of ballots shows 9 for and 6 against the Petitioner, with no challenged ballots.

The Board has reviewed the record in light of the exceptions and brief, has adopted the Regional Director's findings and recommendations, and finds that a certification of representative should be issued.<sup>2</sup>

<sup>1</sup> Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the Board's powers in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Pursuant to this delegation, Chairman Liebman and Member Schaumber constitute a quorum of the three-member group. As a quorum, they have the authority to issue decisions and orders in unfair labor practice and representation cases. See Sec. 3(b) of the Act. See Snell Island SNF LLC v. NLRB, 568 F.3d 410 (2d Cir. 2009); New Process Steel v. NLRB, 564 F.3d 840 (7th Cir. 2009), petition for cert. filed 77 U.S.L.W. 3670 (U.S. May 22, 2009) (No. 08-1457); Northeastern Land Services v. NLRB, 560 F.3d 36 (1st Cir. 2009), rehearing denied No. 08-1878 (May 20, 2009). But see Laurel Baye Healthcare of Lake Lanier, Inc. v. NLRB, 564 F.3d 469 (D.C. Cir. 2009), petitions for rehearing denied Nos. 08-1162, 08-1214 (July 1, 2009).

<sup>2</sup> In denying review, Member Schaumber notes that while mail ballot elections are generally reserved for circumstances not clearly presented here (see *San Diego Gas & Electric*, 325 NLRB 1143, 1145 (1998)), the Employers specifically stipulated to conducting such an election in the instant proceeding. In Member Schaumber's view, this case is reflective of the procedural problems and reliability issues associated with mail ballot elections. He would continue to limit the use of that device to the rare circumstances where a traditional Board-conducted secret-ballot election would make it difficult for eligible employees to vote or where a manual election, though possible, is impractical or not easily done.

## CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the valid ballots have been cast for International Union, Security, Police and Fire Professionals of America (SPFPA), and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All full time and regular part time security officers performing security services at the Employers' work site at the Arlington Hall Readiness Center in Arlington, Virginia; but excluding all professional employees, office clerical employees, sergeants, lieutenants, the project manager, and supervisors as defined by the Act.